



**MINUTES OF THE REGULAR MEETING OF THE
RIDGECREST CITY COUNCIL AND
RIDGECREST REDEVELOPMENT AGENCY**

**City Council Chambers
100 West California Avenue
Ridgecrest, California 93555**

**June 16, 2004
6:00 p.m.**

Tape Recorded
Tape 04-14

This meeting was tape recorded and will be on file in the Office of the City Clerk for a certain period of time from date of approval by City Council/Redevelopment Agency. Meetings are recorded solely for the purpose of preparation of minutes.

CALL TO ORDER – 6:36 p.m.

ROLL CALL

PRESENT: Mayor Ronald Carter, Vice Mayor Richard Martin, and Council Member Steven Morgan

ABSENT: Mayor Pro Tem Marshall Holloway and Council Member Daniel Clark

STAFF Harvey Rose, City Manager; Steven O'Neill, Deputy City Attorney; Rita Gable, Chief Deputy City Clerk; Jim Winegardner, Finance Director; James McRea, Community Development Director; Michael Avery, Chief of Police; and other personnel

REGULAR SESSION – 6:37 p.m.

PLEDGE OF ALLEGIANCE led by Vice Mayor Martin

INVOCATION – Silent Moment

APPROVAL OF AGENDA

City Manager Rose stated that item 1 was removed until Mayor Pro Tem Holloway, one of the awardees, could be present. Agenda accepted by concurrence of the Council Members present.

PROCLAMATIONS AND PRESENTATIONS

MINUTES – CITY COUNCIL / REDEVELOPMENT AGENCY – REGULAR

June 16, 2004

Page 2

This item postponed to a future meeting

1. Presentation – Institute On The Constitution

Al Huey, Ridgecrest Citizens for Constitutional Government, will present graduation certificates of the Institute On The Constitution to Council Member Holloway, Finance Director Jim Winegardner, and Bud Klamt, KLOA.

PUBLIC COMMENT

Al Huey, 1128 Windy Lynn Avenue

- Commented again on Sunland Street and E. Ridgecrest Boulevard project
- Stop signs have been installed
 - Council Member Morgan commented the cost of the project was \$14,000
 - Council Member Martin stated that the donations from the public for the project was commented upon at the last Infrastructure Committee
 - Committee was wondering where the donation funds are

CONSENT CALENDAR

2. **Resolution No. 04-33, A Resolution Of The Ridgecrest City Council Approving City Budget Amendment #2004-06 Increasing Appropriations And Estimated Revenues In The Annual Budget** Winegardner
3. **Minutes Of The Regular City Council/Redevelopment Agency Meeting Of June 2, 2004** Gable
4. **Council Expenditure Approval List (DWR) Dated May 28, 2004 In The Amount Of \$248,318.50** Winegardner
5. **Agency Expenditure Approval List (DWR) Dated May 28, 2004 In The Amount Of \$931.00** Winegardner

Moved by Council Member Martin, seconded by Council Member Morgan TO APPROVE THE CONSENT CALENDAR. No public comment. Motion carried with a voice vote of 3 ayes, 2 absent. Council Members Holloway and Clark absent.

DISCUSSION ITEMS

6. **Discussion Of Local Option Sales Tax Proposal** Rose

City Manager Rose

MINUTES – CITY COUNCIL / REDEVELOPMENT AGENCY – REGULAR

June 16, 2004

Page 3

- Stated this item has been put on several agendas to elicit comment from the public
- It is an opportunity for citizens to ask questions and make recommendations on the proposed local option sales tax
- This evening staff has brought forth an ordinance and resolution for discussion and if desired adoption
- City Attorney and the Redevelopment Agency Attorney are here to discuss and answer any questions
- We are moving forward to put the proposed local option sales tax on the November 2 ballot

Al Huey, 1128 Windy Lynn Avenue

- Asked if this was the first reading of the ordinance and if we will see it back for a month or so going through revisions before being adopted
 - Attorneys agreed if ordinance is has only minor changes it can be adopted the next time presented (second reading)

Mr. Rose stated time has been allowed to do revisions if necessary

ORDINANCES AND RESOLUTIONS

7. **Introduction And First Reading Of An Ordinance Of The Ridgecrest City Council Adding Sections 3-3.201 Through 3-3.214 To The Ridgecrest Municipal Code To Provide For An Additional Three-Quarter Of One Percent Sales Tax To Fund General Purposes And To Be Administered By The State Board Of Equalization** Winegardner

Finance Director Winegardner

- In 2003 California Legislature enacted into law SB 566 which was signed by Governor Davis
- SB 566 allows all cities and counties in the State to raise the local sales tax in 1/4 cent increments to a maximum of 2 cents
- Increase first requires a 2/3 affirmative vote of local legislative body
- It then requires either a majority vote by the electorate for a general tax increase or a 2/3 voter approval for a special (dedicated) tax
- In addition the measure must follow Proposition 218 guidelines which means it must be placed before the voters at a regular City Council election
- The Ordinance clarifies intent of Council to place the local option sales tax measure on November 2 ballot
- This ordinance will establish a local option sales tax increase of an additional three quarters of one percent
- The funds generated will be used for general City purposes including infrastructure, public safety, recreation, and other purposes.

MINUTES – CITY COUNCIL / REDEVELOPMENT AGENCY – REGULAR

June 16, 2004

Page 4

- Stated that Dave McEwen, the City Redevelopment Agency Attorney was present to answer any questions

Council Member Morgan requested Mr. McEwen go through the ordinance and explain to Council and the public the various reasons for the ordinance

Mr. McEwen

- Document is a "vanilla" general tax ordinance
- General tax goes to voters with a only a majority approval vote necessary but it cannot be earmarked for specific projects
- Special tax requires a 2/3 approval vote and can be earmarked for how it is to be spent
- Resolution does not create that special tax and does not commit any funds to the purposes of the survey or the original CFID projects
- Ordinance is straight forward and adds 14 sections to the Municipal Code and describes how tax is levied

Council Member Morgan asked Mr. McEwen to explain Section 2: Severability

- McEwen – if any court of competent jurisdiction holds invalid any provision of this ordinance declare invalid it would not invalidate the other provisions
- But if found invalid the court would declare election invalid and hence the tax if approved would be invalid

Public comment

Mary Ash, 624 S. Gold Canyon Drive

- Asked if the ordinance is written as a general tax document
 - "Vanilla" did not mean that it does not specify what tax will be used for merely that it is written in general terms that comply with current laws
- We have been talking about dedicating these funds to infrastructure, safety, and recreation and other things, so what truly is it going to be

Jerry Taylor, 315 Mesquite Avenue

- Believes he has heard it is going into the general fund and you cannot designate it for what you really intend it for
 - McEwen – City will run a risk of a challenge of it actually being a special rather than general tax if presented that way
 - Best to avoid what you intend to use it for today – suggested not being specific now
 - Gives citizens more of a say in how the funds are to be used
- Mr. Taylor was thinking the general tax was giving City an added \$800,000 into the budget

MINUTES – CITY COUNCIL / REDEVELOPMENT AGENCY – REGULAR

June 16, 2004

Page 5

Al Huey

- What do you mean by commit – there already has been ample discussion on what you intend to do with the tax funds
 - McEwen - to him commit means specifically put into an ordinance or resolution stating what you intend to use the tax funds for
 - The more you have in detailed discussions on how to spend it is more likely to be subject to challenge
 - Council Member Martin understands that after voted in we can sit down and delineate what to spend it on
- Mr. Huey – asked if he was correct that the State Constitution doesn't allow for a sunset clause
 - McEwen - you can put a sunset clause into the ordinance but does not think it is good idea
- Mr. Huey - brought up sunset clause because there are some litigations going on all around the state and also ballot initiative for amendment of State Constitution to put a stop to State taking local funds
- If they pass the amendment the City could be "fat" in a few years and we would still have a tax without a sunset clause

Council Member Morgan pointed out that we have over \$190,000,000 in projects needing to be done and we will not get fat for a long, long time

May Ash

- Is not fond of taxes but it is a local tax so we have power to eliminate tax or Council Members if it becomes necessary
- Hasn't yet made up her mind for or against and needs to hear more about it

Mr. McEwen said the resolution has some general provisions of how to use the funds and Council can come back after election and, with input from the citizens, specify how to use it

Council Member Martin - this lets us handle local funds locally

Al Huey

- Has concern that we really have \$190,000,000 in valid projects
 - Morgan - The proposed tax increase is not being brought forward because of the huge projects list– it is because of what the State has done to us over the past decade
- Wants serious consideration of all facets and of a sunset clause

Lois Beres, 637 Sunland Street

- Going to get only about \$800,000 a year from the tax and you can't do a lot of projects with that

MINUTES – CITY COUNCIL / REDEVELOPMENT AGENCY – REGULAR

June 16, 2004

Page 6

- You are going after a big loan and you need to assure them of repayment – the tax funds will do that
- If you are seeking a big lender you do not want to have a sunset clause
- This will not be a short term thing – it will take a long time to get the projects done

Dorothy Brown, 211 N. Gold Canyon Drive

- Why are you (Council) afraid to commit a 1/2 cent to a specific issue
- Thinks we would get the 2/3 vote if that was done and the tax was for specific things
- If the people get the state to give back our funds it would be a windfall
- Heard mention of a golf course – she is retired but not a golfer
- Keep hearing that we are trying to become a retirement City – have you ever seen a retirement community without a golf course?
- Might want to think about that
- Let's have a committed amount for infrastructure and for the other issues or projects that have been mentioned

Dave Matthews, 717 Kevin Court

- Commented on the leverage factor to get bonds – Ms. Beres had a very valid point
- He is against sunset clause
- In ideal world would like to have State return stolen money from the cities
- Would like to keep this tax local – will be the first time City has had control of funds
- Lets keep our tax money here
- Mr. Huey only has to drive around town to see what projects need to be done – lots of streets are almost past being repaired or patched
- Doesn't take much effort to see that we really do have \$190,000,000 in projects to be done

Bud Klamt, 221 N. Gold Canyon Drive

- Believes voting for a specific route for money is the way to go
- Will not vote for general fund
- Thinks a lot of other citizens feel that way also

Nellavan Jeglum, 305 N. Balsam Street

- Happy to see this proposal come up – was not in favor of only the property owners being taxed
- This way everyone participates and benefits from it]
- Citizens vote for Council and they control the way our tax money is spent
- Up to the citizens to make sure it works through electing responsible and competent council members
- Our largest employer does not pay taxes – it has always been so

MINUTES – CITY COUNCIL / REDEVELOPMENT AGENCY – REGULAR

June 16, 2004

Page 7

Al Huey - did some quick math on the tax issue – would take about 120 years to do all the projects on the \$190,000,000 list

Council Member Morgan stated this is a chance for the voters to do something and for the Council to do it right

Jerry Taylor is somewhat inclined not to dump a whole lot of big projects on redevelopment

Council Member Martin feels Nellavan, Lois and Mary hit it right on the head – this is a Council that is going to take action

Mayor Carter is proud to be on the Council for 8 years

- We want to maintain the quality of life we have
- We have to put this on the ballot to improve the infrastructure and safety
- Need to get Ridgecrest back to being a desirable place to live and work

Moved By Council Member Morgan, seconded by Council Member Martin TO WAIVE READING IN FULL AND TO INTRODUCE, BY TITLE ONLY AN ORDINANCE OF THE RIDGECREST CITY COUNCIL ADDING SECTIONS 3-3.201 THROUGH 3-3.214 TO THE RIDGECREST MUNICIPAL CODE TO PROVIDE FOR AN ADDITIONAL THREE-QUARTER OF ONE PERCENT SALES TAX TO FUND GENERAL PURPOSES AND TO BE ADMINISTERED BY THE STATE BOARD OF EQUALIZATION Public comment was heard. Motion carried with a voice vote of 3 ayes, 2 absent. Council Members Holloway and Clark absent.

8. **Resolution No. 04- , A Resolution Of The Ridgecrest City Council Declaring The Rights Of Ridgecrest Citizens To Have Quality Municipal Services And Infrastructure, And Expressing The City Council's Intention To Provide For The Needs, Desires, And Demands Of The Community** **Rose**

City Manager Rose

- This is concurrent resolution declaring the rights of Ridgecrest citizens to have quality municipal services and infrastructure
- Expresses the City Council's intention to provide for the needs, desires, and demands of the community
- CFID was brought forth with \$20,000,000 from the \$190,000,00 listed projects - the list is dynamic and continually evolves
- As it was discussed the people decided they would rather have a sales tax because visitors and travelers would also be participating
- Petitioned the State on how to do a local option sales tax – Governor Davis signed it as a last thing in office

MINUTES – CITY COUNCIL / REDEVELOPMENT AGENCY – REGULAR

June 16, 2004

Page 8

- The resolution is a Ridgecrest citizens bill of rights and states Council is committed to do so
- Two methods parcel and local option sales tax are unfortunately the only ones left to cities
- Cut City budget by 20% in last 2 years and looks like it is going to be the same for a few more years
- If it passes we can parlay through a loan to create a fund for these projects and set some aside for matching funds for possible grants
- Resolution is to give assurance to citizens as to what the funds are to be used

Council Member Morgan discussed with Mr. McEwen on how to make it as concrete as possible

- Cannot attach list of projects to either the resolution or ordinance
- This reso will assure the citizens that even though this Council may no longer be sitting the funds will be spent as the public dictates
- Thinks resolution needs to be more specific in what funds are to do and add clause of having routine public hearings to monitor those expenditures now and in future

Mayor Carter suggested a category added to budget discussion for how to spend the funds

Council Member Martin - general tax requires a majority vote while a special tax requires a 2/3 vote of the electorate

Ray Arthur, 139 Balsam Street

- If general passed with infrastructure mainly and police department then open it up 3-4 times a year on how to use funds
- You may have special interest groups down here trying to swing the funds to their interests

Mayor Carter thinks by adding to budget process will alleviate a lot of the concerns

Mary Ash

- What happens when you get a real good deal on CDBG funds and have matching funds to do it
- If you put things in concrete people will expect 2 meetings to decide things

Council Member Morgan if we cite a project and then bank funds for it and then something comes up like a grant needing matching funds we should still have funds to accomplish it

MINUTES – CITY COUNCIL / REDEVELOPMENT AGENCY – REGULAR

June 16, 2004

Page 9

Council Member Martin stated we are going to get a well implemented program on the projects -don't want to bog this down now

Dorothy Brown

- Hearing all these comment makes it sound like a pre-nuptial agreement
- Not sure resolution holds as much weight as you are putting on it

Mr. Rose will rewrite with changes as suggested and bring back at same time as second reading of ordinance

CITY MANAGER/EXECUTIVE DIRECTOR REPORTS

Mr. Rose

- We are going to participate in the historic event of the launching of a commercial space ship on June 21
- City will provide access to our website with a link to www.ridgecrest.ca.us/spaceship1 6-7 am
- Spent some time with fellow Kern County city managers today and discussed many things
- A major earthquake has been predicted somewhere in the Mojave by September 5 by seismologists
- City staff met in EOC on Tuesday June 8 to brush up on our duties and see if our emergency manual were up to date
- Today the Kern County Emergency Services manager was at the meeting and informed us of a requirement to prepare a disaster plan for the City
- New law was instituted during the Clinton Administration for cities and counties to submit a disaster plan by November
- Kern County might prepare plan for all cities - cost \$70,000 to split among cities, school districts etc. - moving ahead with this
- Heard from City Manager of Arvin who introduced the current police chief and discussed the reports of grand jury
- City of 'Bakersfield who still oppose the Governor's and LCC agreement as it would cost them lots of funds
- They also proposed to cut out a swimming pool that needed major renovation
- Residents of the area objected and they raised funds to refurbish and when opened only one child showed up
- 26,000 square foot skate park is planned for Delano
- California City parcel tax won on 2nd vote
- Discussion on article in Bakersfield Californian about Ridgecrest being second to them in employees – Fraizer Park and Ridgecrest are lowest in unemployment
- 30 permits for houses - 75 parcels could be built - possibility for 200 new residents

MINUTES – CITY COUNCIL / REDEVELOPMENT AGENCY – REGULAR

June 16, 2004

Page 10

CITY ATTORNEY REPORTS

None

COMMITTEES, BOARDS AND COMMISSIONS

Economic Development Committee

Members: Chair Chip Holloway, Dan Clark, Mike Biddlingmeier, Howard Laire

Meetings: 1st Thursday of the month at 4:30 PM; Council Conference Room

Next meeting to be announced

Legislative Committee

Members: Chair Duke Martin, Chip Holloway

Meetings: 2nd Tuesday of the month at 8:00 AM; Council Conference Room

Next meeting August 18

Infrastructure Committee

Members: Chair Steve Morgan, Duke Martin, Chuck Roulund, Jim Smith

Meetings: 2nd Tuesday of the month at 5:00 p.m., Council Conference Room

Met June 8

- Discussed 178 projects on E. Ridgecrest and China Lake Boulevards
- Discussed Fund 17 funds for projects in Ridgecrest Heights – some things have already been done
- Discussed State diesel engine mandate
- Hours of use requirement might bring some relief to us for equipment that is not used very often
- Did preliminary review on Public Works budget and need for new plotter - old plotter does not have enough memory
- Discussion of continuing problem of oversize vehicle parking on residential streets – Chief Avery looking at update the ordinance

Next meeting August 10

City Organization Committee

Members: Chair Chip Holloway, Ron Carter

Meetings: 2nd Thursday of the month at 5:00 PM; Council Conference Room

- Transit report shows ridership is down because schools are out
- But because of high gas prices more are using transit
- Would like to have professional group look at our system
- KernCOG audit starting this week with Nelson Nygard

MINUTES – CITY COUNCIL / REDEVELOPMENT AGENCY – REGULAR

June 16, 2004

Page 11

- Wants change on the Saturday schedule to 8 am to 4 pm
 - Winegardner gave report regarding power spike that shut down our phone system - most is back but still working on those that are not
 - Still hope to get Cerro Coso Community College phone system
 - Police Department reported on activities
 - Complemented Chief on making himself available to the citizens
 - Discussion of ad hoc and sub committees included clarification that the Council Committees were main and can create sub or ad hoc
 - Ad hoc and sub committees report to the main and main brings to Council
- Next meeting to be announced

Quality of Life Committee

Members: Chair Dan Clark, Ron Carter, Mike Biddlingmeier, Howard Laire

Meetings: 4th Thursday of the month at 5:00 PM; Kerr-McGee Center

Next meeting to be announced

Redevelopment Advisory Committee

Members: Chair Ron Ketcham, Vice Chair Lois Beres, Harley Baker, Bob Peoples, Gary Charlon. Ex-officio Members Council Members Steve Morgan and Duke Martin, Planning Commissioner Shelia Torkelson

Meetings: 3rd Tuesday of the month at 5:00 PM, Council Conference Room

- Met June 15
 - Discussed Lot 23 and 24 of business park - Nickoletti's Café and Restaurant
- Next meeting to be announced

RACVB

Council Member Duke Martin

Council Member Dan Clark - Alternate

Meetings: 3rd Wednesday of the month, 8:00 a.m., RACVB Office

Met June 16

- Had no quorum so was informal meeting
- Executive Director presented the RACVB's proposed 2004/2005 budget
- Updated the board on three ongoing issues
 - Film Commission's five year problem concerning filming on S. Brown Road has been presented to First District Supervisor Jon McQuiston
 - Long awaited 178 CORRIDOR Kiosk at Maturango Museum with a forthcoming grant from Kern Community Foundation
 - After nearly two years – with a special designation from Kern County – CalTrans has agreed to permit new RACVB tourism billboard one mile north of Brady's Mobil on U.S. Route 395

MINUTES – CITY COUNCIL / REDEVELOPMENT AGENCY – REGULAR

June 16, 2004

Page 12

- 2004 Ridgecrest Area Visitors Guide is off the presses and is already being distributed domestically and internationally
- Next meeting to be announce July 21

Other Committees, Boards, or Commissions

Council Member Martin – Civilian-Military Affairs Committee will meet tomorrow at the Conference Center on NAWS (across from fire station)

Noted Council Member Holloway is at League of California Cities meeting today

League of California Cities Annual Conference is September 17-19 in Long Beach

Council Member Morgan - Quad State Group met in Bakersfield – discussed litigation making inroads in government

Discussed Ft. Irwin expansion and feels there will be favorable results

COUNCIL COMMENTS

Morgan

- ❖ Sad note to see the Sierra Sands Unified School District will not renew their portion of DARE contract
- ❖ In middle of June and have had no budget hearings yet
- ❖ Those have been put behind because of low staffing and Council pushed for the tax issue
- ❖ Concern from citizens that the Viewfinders District 37 motorcycle race in October will not be held in Ridgecrest
- ❖ That is not true – it will be held here at the motorcycle park – the ark is not in jeopardy
- ❖ Congratulated the Balsam Street and Concert In Park organizers – very successful
- ❖ Would like to attend the League of California Cities Conference if possible - several seminars he would like to take
- ❖ Coming up on the 4th of July celebration at the Fairgrounds - many activities there
- ❖ 4-8 p.m. is a barbecue dinner - Fireworks at 9 pm - New American Singers group will perform at 7 pm

Martin

- ❖ Congratulated Mayor Pro Tem Holloway on award he will receive Friday in Beverly Hills – group that is helping alleviate a blood shortage in this country
- ❖ Presented City proclamation to Gary Maxwell a 35 year teacher in Sierra Sands Unified School District – he will be consultant to District
- ❖ Governor sent final revised budget to legislators - they did not pass it but it will be re-sent to them

MINUTES – CITY COUNCIL / REDEVELOPMENT AGENCY – REGULAR

June 16, 2004

Page 13

Carter

- ❖ June 9 went to Monroe Middle School for Words Of Wisdom Program as did Mr. Rose
- ❖ Went to adult school graduation – 50 people ages 17 to 59 graduated
- ❖ Council Member Morgan mentioned events of June 12
- ❖ Concert Under The Stars in Freedom Park had great music by Daniel Ho and Faith Rivera
- ❖ Alex and Company was back up ban – Alex Tsubota is from Trona
- ❖ Have a lot of great things going on for our citizens
- ❖ Spoke about President Regan and all the good things he did
- ❖ His oldest son wrote letter to him after he was shot and received an answer from him
- ❖ President Regan was a major player in ending the cold war
- ❖ We were blessed in having him as a governor and our president
- ❖ It is time the state and federal government need to get out of education and give it back to the local boards
- ❖ Appreciate all the discussion we have had with our citizens

ADJOURNMENT

Mayor Carter adjourned the meeting at 8:59 p.m.

Rita Gable, Chief Deputy City Clerk